

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2011

EARNEST LEE MILLS,

Appellant,

v.

Case No. 5D09-2489

STATE OF FLORIDA,

Appellee.

Opinion filed April 21, 2011

Appeal from the Circuit Court
for Orange County,
Roger J. McDonald, Judge.

Joseph C. Bodiford, of Bodiford Law,
P.A., Tampa, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kristen L. Davenport,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Ray v. State, 755 So. 2d 604 (Fla. 2000) (where defendant charged with felony murder was willing participant in underlying felony and murder resulted from forces that co-felons set in motion, independent act instruction was not appropriate); see also Roberts v. State, 4 So. 3d 1261 (Fla. 5th DCA 2009).

GRIFFIN, EVANDER, and JACOBUS, JJ., concur.